

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES**

The Secretary, United States)	
Department of Housing and Urban)	
Development, on behalf of)	
Complainant Shakhari Bell)	
)	
Charging Party,)	HUDALJ:
)	
v.)	FHEO No.: 07-13-0454-8
)	
Hezekiah and Jameseva Webb,)	
)	
Respondents.)	
_____)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On April 19, 2013, Complainant Shakhari Bell filed a timely complaint with the U.S. Department of Housing and Urban Development ("HUD" or "the Department") alleging that Respondents Hezekiah Webb ("H. Webb") and Jameseva Webb ("J. Webb") discriminated against her based on her sex in violation of Subsections 804(b) and 804(c) and Section 818 of the Fair Housing Act ("Act"), as amended, 42 U.S.C. §§ 3601-19 (2016). Complainant Bell amended her complaint on about May 14, 2013 to add an allegation under Subsection 804(a).

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. §§ 3610(g)(1) and (2). The Secretary has delegated that authority to the General Counsel (24 C.F.R. §§ 103.400 and 103.405 (2016)), who has redelegated the authority to the Regional Counsel. 76 Fed. Reg. 42463, 42465 (July 18, 2011).

The Fair Housing and Equal Opportunity ("FHEO") Director for Region VII, on behalf of the Assistant Secretary for FHEO, has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred and has authorized and directed the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the Determination of Reasonable Cause dated July 25, 2016, Respondents are hereby charged with violating the Act as follows:

A. Legal Authority

1. It is unlawful to make unavailable or deny a dwelling to any person because of sex. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(3), 100.60(b)(5), and 100.70(b).
2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of sex. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2) and 100.65(a).
3. It is unlawful to make any statement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on sex, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4) and 100.75(a), (b), and (c)(2).
4. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of any right granted or protected by Section 804 of the Act. 42 U.S.C. § 3617; 24 C.F.R. §§ 100.400(b) and (c)(2).

B. Parties and Subject Property

5. Complainant Bell, a female, signed a lease with Respondents H. Webb (male) and his wife, Respondent J. Webb (female), on or around February 8, 2012 to live at their rental unit at 4517 Margaretta Avenue, Apartment C, St. Louis, Missouri (subject property) located in a six-unit multifamily rental property with four units at 4517 Margaretta Avenue and two units at 4515 Margaretta Avenue.
6. At all times relevant to the allegations, Respondents H. Webb and J. Webb were the joint owners of the six-unit property as well as other rental properties in the St. Louis area, including several single family rentals and a duplex.
7. Complainant lived at the subject property from February 8, 2012 until around June 8 or 9, 2012.
8. The subject property is a dwelling as defined by 42 U.S.C. § 3602(b).
9. Respondent H. Webb performed all tasks as property manager for the rental properties including tenant selection, rent collection, lease enforcement, and repairs for the rental properties.
10. Complainant Bell is an aggrieved person as defined by the Act. 42 U.S.C. § 3602(i).

C. Factual Allegations

11. On or about January 26, 2012, Complainant contacted Respondent Webb via telephone to inquire about renting the subject property.
12. During the initial conversation, Respondent Webb inquired whether Complainant had a boyfriend to which she responded she did not.
13. On February 8, 2012, Complainant, accompanied by her then girlfriend, met with Respondent H. Webb at the subject property, signed a 13-month lease, and moved into the subject property.
14. During the meeting, upon inquiring about Complainant's relationship with her girlfriend and learning they were a same sex couple, Respondent H. Webb made comments and asked personal questions about their sex life and how they were able to physically engage in sex.
15. Respondent H. Webb further asked during the February 8, 2012 meeting whether Complainant and her girlfriend participated in threesomes with other women or men, and then suggested that maybe Complainant and her girlfriend could have a threesome with him.
16. Respondent H. Webb informed Complainant and her girlfriend during the meeting that he had engaged in a sexual relationship with one of his female tenants in exchange for reduced rent and suggested that there were, therefore, other ways for Complainant to pay for rent.
17. Respondent H. Webb's statements and conduct on February 8, 2012 shocked Complainant and made her feel uncomfortable, and she told him that she was not interested.
18. On or about February 15, 2012, Respondent H. Webb, while in Complainant's bedroom installing blinds, made sexual comments and advances to Complainant by telling her that she could now walk around naked, she was hot, and she aroused him. Respondent H. Webb stared at Complainant's breasts and asked her when she would let him touch "those" [her breasts] causing Complainant to leave the bedroom immediately.
19. Respondent H. Webb's statements and conduct on or about February 15, 2012 made Complainant feel helpless, anxious, and as though matters were out of her control.
20. On or about March 9, 2012, Respondent Webb had a conversation with Complainant in which he told her that her downstairs neighbor had complained about noise coming from her unit.
21. Complainant asked Respondent Webb on the same date if she could view his single family rental unit located across the street from the subject property, and Respondent Webb allowed her to view it at that time.

22. While alone with Complainant in the vacant unit, Respondent Webb reached his hand out to Complainant as though he intended to touch her breasts asking again when she would let him touch "those."
23. Complainant rejected Respondent Webb's request by telling him she did not like that and immediately returned to her unit.
24. In or around mid- to late March 2012, after Complainant had rejected Respondent Webb's advances while in the vacant unit, Respondent Webb informed Complainant he was giving her 30 days to vacate her unit, allegedly because of the noise issue and because she had been gambling on the porch with her friends.
25. Respondent Webb subsequently provided a memo to Complainant dated April 13, 2012 stating Complainant had not paid her rent for the month of April 2012, and if she did not pay her rent and late charges by the next day, he would file for eviction.
26. Complainant stated she tried to pay her April 2012 rent, but Respondent Webb refused to accept it.
27. On April 18, 2012, Respondent Webb filed an eviction action in local court against Complainant citing only her alleged failure to pay her rent, and a special process server served Complainant notice on April 30, 2012.
28. On June 1, 2012, the court ruled in Respondents' favor, entered a judgment which permitted Respondents to recover possession of the subject property, and ordered Complainant to pay costs.
29. Complainant vacated the subject property on or around June 8 or 9, 2012.
30. The actions Respondent Webb took to evict Complainant from the subject property were made in close proximity to and because of Complainant rejecting his sexual advances, which spanned from February 8 to March 9, 2012.
31. During Complainant's tenancy, Respondent H. Webb also engaged in actions that made Complainant feel he was stalking her including regularly parking his car outside the subject property, watching her come and go, and asking her questions indicating he was watching from outside her unit in the middle of the night such as why her lights were on at 2 a.m.
32. Respondent H. Webb's actions caused Complainant apprehension and made her feel trapped, and she would, therefore, peek out her blinds before leaving her apartment in an effort to avoid him.
33. Respondent H. Webb's unwelcome conduct was sufficiently severe or pervasive to have the effect of imposing different terms, conditions, or privileges on Complainant's use or enjoyment of her dwelling, concerned and upset her, and interfered with her tenancy, making it burdensome and less desirable, because of her sex.

34. Respondent Webb also engaged in inappropriate and unwelcome sexual conduct with other female tenants over a lengthy period of time and made unwelcome statements regarding sex and sexual activity.
35. As a result of Respondents' discriminatory conduct, Complainant suffered actual damages, including humiliation and other emotional distress.

D. Legal Allegations

36. As described above, Respondents violated Subsection 804(a) of the Act when they made housing unavailable to Complainant because of sex by evicting her from her unit after she rejected Respondent Webb's unwelcome sexual advances. 42 U.S.C. § 3604(a).
37. As described above, Respondents violated Subsection 804(b) of the Act when Respondent H. Webb discriminated against Complainant in the terms, conditions, or privileges of the rental of a dwelling because of sex by subjecting her to sexual harassment and evicting her. 42 U.S.C. § 3604(b).
38. As described above, Respondents violated Subsection 804(c) of the Act when Respondent H. Webb made numerous statements to Complainant with respect to the rental of a dwelling that indicated a preference, limitation, or discrimination because of her sex, or the intention to make any such preference, limitation, or discrimination, including unwelcome sexual comments and references to exchanging sex for rent. 42 U.S.C. § 3604(c).
39. As described above, Respondents violated Section 818 of the Act when Respondent H. Webb subjected Complainant to harassment because of her sex, including intimidation and unwanted sexual advances and comments, which interfered with her in the exercise or enjoyment of her rights granted or protected by Section 804 of the Act. 42 U.S.C. § 3617.


III. CONCLUSION

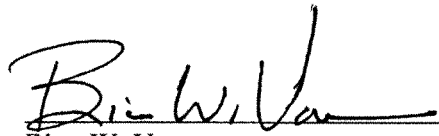
WHEREFORE, the Secretary of the U.S. Department of Housing and Urban Development, through the Office of General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(a), 3604(b), 3604(c) and 3617, and requests an Order be issued that:

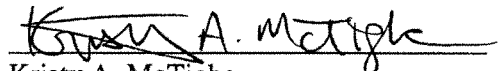
1. Declares that Respondents' discriminatory housing practices, as set forth above, violate Subsections 804(a), (b), and (c) and Section 818 of the Act, 42 U.S.C. §§ 3604(a), 3604(b), 3604(c) and 3617;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from discriminating because of sex against any person in any aspect of the sale or rental of a dwelling;

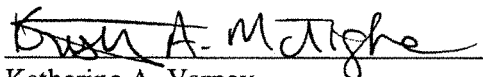
3. Awards such monetary damages as will fully compensate Complainant for her damages caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3612(g)(3);
4. Assesses a civil penalty of \$16,000 against each Respondent for each violation of the Act that Respondents have committed, pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671; and
5. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

Respectfully submitted on this 26th day of July 2016.

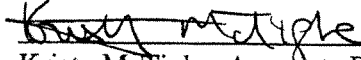

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on this 26th day of July, 2016.



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